IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 21060 of 2004

Between:

M/s. Karnataka Co-operative Milk Producer's Federation Limited, Manoj Complex, Tilak Road, Tirupathi, Chittoor District,

rep by Joint Director (Finance), MR. C. Narasimha Reddy

..... PETITIONER

AND

1 The Commercial Tax Officer-I (FAC), Tirupathi
2 The Appellate Deputy Commissioner (CT) Kurnool
3 The Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ or order or direction quashing the order or the 3rd Respondent in CCt's Ref. No. LV(3)/2402/2004 dated 15-10-2004 as unreasonable and unjustified and consequently restrain the 1st Respondent from taking any coercive steps for collection of the disputed tax of Rs. 40,40,269/- for the assessment year 2003-04 (Provisional) July 2003 to September 2003) pending disposal of the Petitioner's appeal before the 2nd respondent.

Counsel for the Petitioner: MR.P.SRINIVASA REDDY

Counsel for the Respondent Nos.1 to 3: SPECIAL SC FOR COMMERCIAL TAXES

The Court, at the stage of admission, made the following:

Oral Order: (Per: The Hon'ble Mr. Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending appeal, application for stay was dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met, if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of six weeks. Any amount already paid shall be deducted from the amount to be deposited. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

Writ Petition is disposed of accordingly. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY, J

Dt. 18-11-2004

Nb: Operative Portion by wire at party’s cost.

B/o pvks/*

To

1 The Commercial Tax Officer-I (FAC), Tirupathi
2 The Appellate Deputy Commissioner (CT) Kurnool
3 The Additional Commissioner (CT) Legal, Andhra Pradesh, Nampally, Hyderabad

4.2CCs to the Special SC for Commercial Taxes, A.P. High Court Buildings, Hyderabad (OUT).

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